LOBBYIST MONTHLY REPORT FORM



State of Idaho

Ben Y sursa Secretary of State To Be Filed By:

L-3 LOBBYISTS (Sec. 67-6619)

Page___ of ___Page(s)
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Alex S. LaBeau 1450 W Bannock Boise, ID 83702						5/10/06				(Mo.) 4	(Day)	(Yr.) 06
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		INST	TRUCTIONS			Item 3	E E	mployer(s) Name(s) and Ad	ldress(es)	
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	Pho	PC Boise,	retary of State D Box 83720 , ID 83720-0080 -2852 Fax: (208) 334-2	2282	,	No.4						

Item 4	perso	nal prop		byist or by the lobbyist's en ator, or for or on behalf of			of mon	ey or other tangible or intangible
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Item 5	or Ho the L	ouse Bill, obbyist w Bill, Re			01	Subject Agriculture, horticulture, farming, and livestock		IDENTIFICATION Subject Health service, medicine, drugs and controlled substances, health
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Bill Number and Description	IAR Position on the Issu
SENATE BILLS	
S 1242 Eminent Domain (by Brandt and Moyle): This amendment to existing code will clarify that condemners may only condemn land needed for public use, and will require the condemner to state in the complaint that all property to be acquired is for public use. The goal is to avoid takings of private property or private use with the power of eminent domain, as in Kelo v. New London.	MONITOR
S 1243 Eminent Domain (by Brandt and Moyle): This amendment to existing code shall require condemners to clearly set forth in the complaint a description of the property and property rights to be acquired. This will remove any ambiguity about which rights are being acquired as part of the condemnation, and shall give the condemner the right to make that decision, via an order or other resolution entered by the condemner. This will prevent any ambiguity or argument about what is or is not being taken via condemnation.	MONITOR
S 1244 Eminent Domain (by Brandt and Moyle): This statue shall provide that the power of eminent domain may only be used to acquire land for public purposes, not for private purposes, and is in direct response to the Kelo v. New London decision. The intent is to prevent condemners from condemning and under the guise of public use and then transferring the property for private use. Most takings currently are transportation related in Idaho, but nothing in existing law expressly prohibits taking for private use, and this has been a growing national problem. This bill expressly provides that takings for private use are not authorized by Idaho law.	MONITOR
S 1245 Eminent Domain (by Brandt and Moyle): This modification to existing code would require the condemner to stand by its last pre-litigation offer and set that amount as a floor for just compensation; if the condemner asserted the amount was just compensation prior to filing suit, it cannot assert less than that amount for just compensation after suit is filed. This would ensure that good faith and the spirit of the Constitution are complied with, as condemners are charged with the constitutional obligation to assess and pay just compensation, not the lowest price they can convince a judge or jury to award.	MONITOR
S 1246 Eminent Domain (by Brandt and Moyle): This section will ensure that relocation benefits are uniformly payable to individuals displaced by eminent domain. Currently, when property is acquired via eminent domain for a highway, displaced individuals receive relocation assistance. However, when property is condemned for purposes other than highways, relocation assistance is not expressly required under the current statutes (though many condemners voluntarily pay relocation benefits). This bill will ensure that all Idaho citizens who are displaced by eminent domain receive equal relocation assistance (as defined in existing code), regardless of the entity which is condemning their property or the purpose of the taking.	MONITOR
S 1247 Eminent Domain (by Brandt and Moyle): The purpose of this revision to Idaho Code Section 7-721 is to clarify that the "Quick Take" procedure, which allows condemning authorities to take possession of private property prior to trial, is available to all condemning authorities. Currently, the statues contains a list of condemners and projects which is not all-inclusive; therefore there are some condemners which cannot take possession of property being condemned by eminent domain until after a Commissioner's Hearing and a trial on the issue of valuation.	
S 1248 Eminent Domain (by Brandt and Moyle): Kelo highlighted the need to restore balance in the area of eminent domain. One way to address this is by providing that private property owners in condemnation do not receive less than just compensation by having to pay costs and attorneys fees to prove that the condemner's assessment of just compensation was not fair; this bill allows reimbursement of reasonable costs and attorneys fees incurred by owners who prevail in condemnation cases.	MONITOR
S 1249 Eminent Domain (by Brandt and Moyle): Kelo highlights the need to restore the balance between property owners and condemners. This statute will require the condemning authority to disclose its assessment of just compensation to the property owner within three months of serving a Complaint for condemnation.	
<u>S 1254 Eminent Domain (by Brandt and Moyle):</u> Sets up a new chapter of statute called "Protection of Real Private Property Rights" that allow for aribtration proceedings on "takings" claims	MONITOR
S 1255 Uniform Environmental Covenants Act: Deals with the future use of contaminated real estate or brownfields. The act provides clear rules for a perpetual real estate interest - an environmental covenant - to regulate the use of brownfields when real estate is transferred from one owner to another.	MONITOR
<u>S 1273 Eminent Domain (by Brandt and Moyle):</u> This bill would clarify that in condemnation cases, all questions of fact except those prerequisite to the taking (as determined by statute) are decided by a jury, not a Judge, upon request of either party.	MONITOR

5 1280 Homeowner's Exemption to \$100k: This legislation will update the homeowner property tax exemption by increasing the limit of the exemption to \$100,000 (from the current limit of \$50,000), include the value of land in the calculation of property value, and index the exemption for inflation so that the value of the exemption does not fall behind inflation.	OPPOSE
6.1290 Public Financing of Elections (by Senate D's): Provides for public financing of elections in daho.	OPPOSE
21296 Tenant at Sufferance: The purpose of this legislation is to extend Idaho's unlawful detainer action exiction proceeding) to a tenant at sufferance.	SUPPORT
citation Boundary By Agreement: This amendment to existing code would require that to adversely cossess real property using boundary by agreement (including boundary by acquiesce) a written greement fixing the boundary between adjoining parcels or real property must be provided.	MONITOR
61311 Adverse Possession: Takes timeline from 5 years to 20 yrs.	MONITOR
61360 Real Estate Commission Houskeeping Bill: This is the annual Housekeeping bill from the commission	SUPPORT
1377 School Facilities Funding: Allows for additional funding in high growth districts.	MONITOR
Meth Lab Cleanup Rules: These are the rules from the Department of Health and Welfare that mplement S1122 the IAR sponsored last session.	SUPPORT
HOUSE BILLS	
4.408 Emlnent Domaln (by Speaker and Governor): This legislation adds a new Section 7-701A, daho Code, to provide that the right of eminent domain may be exercised on behalf of a public use, to provide that conveyance of a condemned property or an interest in a condemned property to a private party shall not be a public use and to provide application. Sections 50-2018 and 50-2903, Idaho Code, are immended to further define the terms "deteriorated area" and "deteriorating area" and make technical corrections.	SUPPORT
H 415 Campaign Contributions (By SecState): The purpose of this legislation is to amend the Sunshine Law to clarify that campaign contributions from affiliated entities be aggregated for the purposes of contribution limits. Other states with contribution limits and the Federal Election Campaign Act both contain similar provisions. Contribution limits are meaningless if splinter groups are each allowed a separate contribution limit.	SUPPORT
H 418 School M&O Levys (by Crow, Clark, Moyle): This legislation lowers the public school property ax Maintenance & Operations (M&O) budget limit from 0.3 percent of the property tax value base to 1.5 percent of the property tax value beginning in property tax year 2006. Revenue losses to the school districts under this change will be paid from the general fund. Also, a budget growth cap is applied that imits non-voter approved school property tax budgets to 3% plus the value of new construction. This egislation provides a 3% cap statewide for school property taxes and would provide that property tax eplacement would grow at a rate of 3 percent each year.	SUPPORT W/ NO OFFSETTING TAX INCREASE
H 419 Property Taxes (by Crow, Clark, Moyle): This legislation will eliminate the "forgone amount" concept in developing budgets for taxing districts. It limits the carry over period of the unused portion of growth increase to the following year. When the foregone balance is taken, it will not be used in future budget calculations. Additionally this legislation limits the use of new construction in the year that it occurs and the new construction will not be used in future years.	SUPPORT
H 420 Property Taxes (by Crow, Clark, Moyle): The purpose of this legislation is to put a moratorium on the ratio study for 2006 values. The net effect is that property taxes will not increase for one year.	MONITOR
H 421 Property Taxes (by Interim Committee): This legislation expands the home owners exemption from the lower of 50% of assessed valuation or \$50,000 to the lower of 50% of assessed valuation or \$75,000. It also indexes the maximum allowable deduction for succeeding years to cost of living adjustments as determined by the federal government.	OPPOSE
H 422 Property Taxes (by Interim Committee): This legislation expands the "Circuit Breaker" law because the assessed valuation of homes is increasing faster than the consumer price index to which the law indexed. This represents a movement from the current \$22,500 to \$28,000 as the income qualifier and an increase from \$1200 to \$1,320 as the maximum amount of participation by the state. After this one time step up, the law will continue to be indexed to the CPI.	SUPPORT

H 423 Property Taxes (by Interim Committee): This legislation allows for the inclusion of the value of the residential home site when computing property valuations for the homeowners exemption.	OPPOSE
H 424 Property Taxes (by Interim Committee): This legislation reduces the maximum property tax levy for Maintenance and Operations of schools from .3% to .15%. It also repeals .10% of property tax replacement which has been capped at \$75,000,000 and is currently being funded through the general fund.	MONITOR
H 425 Property Taxes (by InterIm Committee): This legislation authorizes the Idaho Housing and Finance Association, Director of the Department of Insurance and the Director of the Department of Finance to promulgate rules authorizing their respective participants to engage in the issuance of reverse mortgages to persons over 62 years of age for the purpose of paying property taxes that they otherwise may not be able to afford.	OPPOSE
H 426 Property Taxes (by Interim Committee): This legislation allows school districts to impose an impact fee of \$2.50/sq.ft. on new residential construction.	OPPOSE
H 427 Property Taxes (by Interim Committee): This legislation provides that land that is being developed into rural home sites must meet the requirements of the agriculture exemption in order to receive the benefit of the exemption.	MONITOR
H 428 Property Taxes (by Interim Committee): This legislation repeals the rural development plot agricultural exemption.	MONITOR
H 429 Property Taxes (by Jaquet): This legislation repeals the \$75 million dollar cap placed in fiscal year 2005 on Governor Batt's property tax replacement legislation/statute of 1995. The statute authorized the state of Idaho to compensate Idaho school districts 1/10th of 1% of market value for district	MONITOR
maintenance and operations (M&O). Tied to market value, with the rapidly escalating home values across Idaho, districts have been unable to access additional dollars from property tax replacement because of the cap.	
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HB 456 \$100K Homeowner's Exemption: (by Jaquet): Same as Senate Bill 1280	OPPOSE
HB 460 (by Tax Commission): This bill amends the Idaho Income Tax Act to require a withholding tax when individual nonresidents, or business entities without a permanent place of business in Idaho, sell daho real property. Withholding would not be required when individual residents, or business entities with a permanent place of business in Idaho, sell Idaho real property.	OPPOSE
HB 470 (by McKaque): Provides that the owner-occupied homestead used as the primary dwelling place of an individual who is at least seventy (70) years of age; has paid Idaho real property taxes on Idaho residential real property continuously for the immediately preceding ten(10) years, and who is the record owner holding title or who has retained or been granted a life estate, may apply for an exemption from the tax on the property each year upon application. If the owner dies, after the exemption has been approved, it shall be in force for the rest of the year.	
HB 478 (by Crow, Moyle, Clark): The proposed legislation limits all property tax portions of any budget to a three percent (3%) increase per year.	MONITOR
HB 479 (by Crow, Moyle, Clark): The legislation allows for M&O to grow at three percent (3%) per year and replaces all M&O property taxes with any state-generated revenues over eight percent (8%) growth per year.	MONITOR
HB 480 (by Moyle): This legislation will amend Chapter 8, Title 63, Idaho Code. By a vote of the people a taxing district budget could be limited. The legislation would exempt school budgets.	MONITOR
HB 481 (by Crow, Moyle, Clark): This legislation applies a moratorium on all taxing districts for fiscal years 2006 and ending in 2007 on the certification of budget requests to finance the property tax portion of their operating budgets.	MONITOR
HB 482 (by Schaeffer): This legislation enacts a new section 63-105FF to provide an exemption from taxation for the tax year 2007, and thereafter of that portion of the market value for assessment purposes of residential improvements which exceeds the market value for assessment purposes of the same property for the year 2008. The value remains the same for the property for taxation purposes until a transfer of ownership occurs or major improvements are made, at which time the property is reappraised with the new value becoming the valuation for assessment purposes and the new base value for the exemption. The residential improvements must be owner-occupied and the primary dwelling place of the owner as of January 1, 2006, or the date of the transfer of ownership. The exemption is not self-executing; the owner must make application in order to receive it.	OPPOSE
HB 485 Public Infrastructure Districts: Allows for the creation of Public Infrastructure Districts in Idaho.	SUPPORT
HB 494 (by LaFavour): This bill enacts the "Public School Plant Facilities and Property Tax Relief Act of 2006". The bill repeals the Idaho Sales Tax exemptions applicable to Utility Sales which will result in approximately \$67.1 million increased revenue to the State at the 5% tax rate. The funds are dedicated to public school plant facilities.	OPPOSE
HB 495 (by Ringo): This legislation returns the sales tax rate to six percent (6%) effective July 1, 2006, for the purpose of providing adequate and stable funding for Idaho's K-12 public schools.	OPPOSE
HB 501 (by Jaquet): This legislation provides counties the opportunity to implement and collect a sales tax, of up to 0.5% or five tenths of one percent. It requires a 66 2/3% vote, sunsets every ten years and clarifies that the revenues are to be used for property tax relief and the funding of capital projects, exclusive of maintenance and operations, including affordable housing.	OPPOSE
HB 502 (by Goedde, et.al.): Local option sales tax in limited circumstances.	SUPPORT
HB 503 (by Eskridge, et.al.): This legislation puts a 3% cap on increases in valuation on residential	OPPOSE

4B 504 (by Werk, et.al.): This legislation works within the existing framework of our impact fee code to provide impact fees for the construction of K-12 education facilities related to growth. School districts are given very limited authority to enact an impact fee ordinance (in conformance with all existing equirements) and expenditure of fees are allowed only within the county where they are collected.	OPPOSE
HB 505 Property Taxes (by Roberts): M&O to state w/ 1 cent sales tax increase.	OPPOSE
HB 506 Property Taxes (by LaFavour): Add a class of citizens to the circuit breaker.	MONITOR
HB 507 Property Taxes (by McGeachIn): Freeze assessments for one year, commission a study.	MONITOR
HB 508 Property Taxes (by Roberts): The purpose of this legislation is to place a limit on the value of innexations.	OPPOSE
HB 509 Property Taxes (by Roberts): The purpose of this legislation is to place a limit on the value of new construction.	OPPOSE
HB 510 Property Taxes (by Roberts, Raybould and Jaquet): Developer's Discount.	MONITOR
4532 Transfer Taxes (by Jaquet): Would impose a 1% transfer tax at local option - also statewide mandatory sales price disclosure.	STRONGLY OPPOSE
H552 Bullding Code Board Authority: Allows the state Building Code Board to amend the adopted building codes.	OPPOSE
H555 Eminent Domain (by Speaker and governor): This is a redraft of H408 with support from cities and counties	SUPPORT
H569 Developer's Discount (by Tamarack Resort): Repeal exemption, create new exemption	MONITOR
H584 Residential Mortgage Practices (by Dept. of Finance): The purpose of this bill is to amend the daho Residential Mortgage Practices Act to definitively establish that engaging in mortgage brokening, mortgage lending, or mortgage loan origination activities in Idaho without a license is a violationof the Act	MONITOR
H658 Developer's Discount (by Barrett): The purpose of this legislation is to provide exemption from axation for the speculative portion of the value of each parcel of land in a rural homesite development plat until such time as improvements are being built upon the parcel, or any interest in the ownership of the parcel is sold or transferred to an unrelated entity and to provide definitions.	MONITOR
H676 Developer's Discount (by Lake, Raybould, Roberts): This legislation repeals the partial exemption for parcels of land in a rural home site development plat (Idaho code 63-602FF). It also provides that platting land actively devoted to agriculture or transferring a parcel to a child or spouse does not alone cause the land to lose its agriculture exemption.	MONITOR
H677 Impact Fees for Schools (by Lake, Moyle, Clark, Keough): This legislation allows school districts to impose an impact fee on new residential construction of up to \$2.50/square foot. The revenue will first be used to abate unsafe school facilities and then to retire school district bonded indebtedness.	OPPOSE
H678 M&O to General Fund (by Lake, Moyle, Roberts): This legislation moved 1.5 mills of the M&O	SUPPORT

H679 Sales Tax Increase (by Roberts, Lake): Raises sales tax 1/2 cent to pay for moving 1.5 mills off the M&O Levy.	OPPOSE
H680 Property Tax Deferral (rewrite of guvs bill): This bill would allow individual homeowners with low noomes who are elderly, disabled or widowed and who qualify for circuit breaker" property tax relief to postpone payment of property taxes on their homes.	SUPPORT
1690 School Maintenance Funding (by Denney, Bedke): Would provide a funding mechanism for unsafe schools.	SUPPORT
1691 School Maintenance Funding (by Rusche, Ringo):	MONITOR
H720 Taxing District Notices (by Moyle): Requires mailers to all property tax payers in advance of any property tax election.	SUPPORT
H732 Homes Sold for Tax Auction (by Hart): Would provide that when a home is sold at auction for burposes of tax collection, and revenues remaining beyond the taxes due would be remitted to the owner.	OPPOSE
H743 School Maintenance Funding (by Leadership): Provides funding mechanism for unsafe schools	SUPPORT
H779 Annexation Reform: Would require that annexarions be able to be vetoed by a vote of the registered voters in the area to be annexed.	OPPOSE
H780 Impact Fees: Would streamline the ordinance proces, and allow local jurisdictions 8 years to expend the funds	SUPPORT
H781 Property Tax Notification: Would make counties show which portion of property taxes collected for schools went to which purpose.	SUPPORT
H823 Bullding Code Board Additions; Would add three builders to the Idaho Building Code Board.	SUPPORT
H876 Property Taxes: 3 mils w/ 1.25 cent sales tax plus HOE w/ HPI.	OPPOSE
HJR5 Constitutional Amendment on Eminent Domain: Would amend the state Constitution to outlaw all uses of eminent domain for economic development purposes.	OPPOSE